

Message Text

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43

ACTION SNM-02

INFO OCT-01 ARA-10 ISO-00 DEAE-00 CIAE-00 INR-07 IO-10

JUSE-00 NSAE-00 TRSE-00 USIA-15 NSC-05 OES-05 OMB-01

SS-15 HEW-06 DODE-00 L-03 AID-05 INSE-00 VOE-00 SCA-01

H-02 /088 W

----- 089996

R 021420Z JAN 76

FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 8650

INFO AMEMBASSY QUITO

UNCLAS PORT OF SPAIN 0003

E.O. 11652: N/A

TAGS: SNAR, TD, CVIS

SUBJECT: COMMENTS ON WHITE PAPER ON NARCOTICS

REF: STATE 253482 OCT 75, QUITO 8744 DEC 75

1. OUR REVIEW OF THE WHITE PAPER ON DRUG ABUSE DATED SEPTEMBER 1975 LEADS TO CONCLUSION IT IS SIGNIFICANT CONTRIBUTION TO DEVELOPMENT OF USG PRIORITIES AND ANALYSIS. WE SUPPORT COMMENTS OF AMEMBASSY QUITO REGARDING NEED FOR: A) USG TO RETAIN CAPABILITY TO ASSIST OTHER COUNTRIES WITH THE MARIJUANA CONCERNS IF WE ARE TO ELICIT EFFECTIVELY THEIR COOPERATION ON DRUGS OF MORE URGENT CONCERN TO US; AND B) GREATER RECOGNITION OF THE PROBLEMS INVOLVED IN CONTROLLING DRUG TRAFFICKING IN DEVELOPING COUNTRIES.

2. MOST SIGNIFICANT PROBLEM EXPERIENCED BY THIS EMBASSY IS CONTINUING EVIDENCE OF INADEQUATE COORDINATION ABORAD BETWEEN DEA AND CUSTOMS OFFICIALS IN LIAISON AND TRAINING CONTACTS WITH FOREIGN GOVERNMENT OFFICIALS. ASSIGNMENT OF A US CUSTOMS REPRESENTATIVE TO ALL DEA REGIONAL HEAD-QUARTERS OVERSEAS WOULD BE A POSITIVE MOVE TOWARD ALLEVIATION OF THIS PROBLEM. WE NOW HAVE DIFFICULTY IN OBTAINING

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TION OF THIS PROBLEM. WE NOW HAVE DIFFICULTY IN OBTAINING

EFFECTIVE COORDINATION BETWEEN THE TWO AGENCIES AND IN PROJECTING A CLEAR SIGNAL TO LOCAL OFFICIALS BECAUSE OF DUPLICATION AND DIFFERENCES OF APPROACH. CUSTOMS FOLLOW-UP ON COMMITMENTS MADE OR IMPLIED TO HOST COUNTRY OFFICIALS HERE HAS ALSO BEEN VERY POOR.

3. ALTHOUGH DISCUSSING THE MULTIFACETED VIEWS AND APPROACHES WITHIN UNITED STATES TO MARIJUANA, WHITE PAPER DOES NOT FOCUS ON SOMEWHAT ANOMALOUS HARD LINE IN IMMIGRATION AND NATIONALITY ACT OF 1952, AS AMENDED. SECTION 212(A)(23) OF THAT ACT PROVIDES THAT ANY INTENDING IMMIGRANT WHO HAS BEEN CONVICTED AT ANY TIME EVEN OF SIMPLE POSSESSION OF MARIJUANA IS INELIGIBLE FOR A VISA. THERE IS NO WAIVER PROVISION FROM THIS PROHIBITION, EVEN IF THE APPLICANT BE THE SPOUSE, PARENT, OR CHILD OF AN AMERICAN CITIZEN.

4. A COUNTRY SUCH AS TRINIDAD AND TOBAGO HAS NO JUVENILE COURT AND SIMPLE MARIJUANA POSSESSION CONVICTIONS OF YOUTHS END UP ON THE POLICE RECORD EVEN THOUGH THE PENALTY EXACTED MAY BE AS LOW AS US\$10.00. YEARS LATER SUCH AN INDIVIDUAL MAY FIND HIMSELF PERMANENTLY BARRED FROM IMMIGRATING WITH HIS FAMILY TO THE UNITED STATES. WE HAVE HAD A NUMBER OF SUCH CASES IN TRINIDAD, AND SEVERAL SEEMED HEART RENDING IN THE ABSENCE OF ANY ESCAPE MECHANISM. GIVEN THE DIFFERING VIEWS WITHIN UNITED STATES SOCIETY AND THE WHITE PAPER'S RECOGNITION THAT EXCESSIVE PENALTIES FOR SIMPLE MARIJUANA USE AND POSSESSION HAVE CREATED UNACCEPTABLY HIGH SOCIAL COSTS IN THE US, IT SEEMS APPROPRIATE TO ADDRESS THE HIGH SOCIAL COST BEING CHARGED TO SOME IMMIGRANT FAMILIES BY THE CURRENT IMMIGRATION AND NATIONALITY ACT. AS CONGRESSIONAL COMMITTEES ARE NOW CONSIDERING REVISIONS TO THAT ACT, AN ASSESSMENT OF THIS ASPECT FROM THE VIEW-POINT OF THE WHITE PAPER STUDY WOULD SEEM TIMELY AND APPROPRIATE. IN THE INTEREST OF CONSISTENCY AND JUSTICE THE PROVISIONS OF SECTION 212(A)(23) SHOULD BE BROUGHT INTO LINE WITH AMERICAN DOMESTIC LAW AND PRACTICE. IT IS HARD TO EXPLAIN THE PRESENT DISCREPANCY TO A YOUNG PERSON OR EVEN ADULT WHO IS BEING INFORMED THAT HE CAN

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NEVER IMMIGRATE TO THE UNITED STATES.
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Draft Date: 02 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
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Margaret P. Grafeld
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